

COMMITTEE MEMBERS: CHAIRMAN AND
COMMISSIONER DAVID MCNINCH,
COMMISSIONER TIFFANY EAST,
COMMISSIONER TOMMY CAVIGLIA,
COMMISSIONER ALANA WISE

STAFF TO THE COMMITTEE:
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DRAFT MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
ADMINISTRATIVE PROCEDURES, REGULATIONS, AND POLICY COMMITTEE
FRIDAY, MARCH 25, 2022 AT 8:00 AM

1. Call to Order, Pledge of Allegiance, Roll Call of Committee Members – Committee Chairman David McNinch

The Meeting was called to order at 8:01am.

Commission Members Present: Committee Chairman McNinch, Commissioners East, Caviglia, Wise.

Department Staff Present: Deputy Director Jack Robb, Deputy Director Bonnie Long, Habitat Division Administrator Alan Jenne, Game Division Administrator Mike Scott, Fisheries Division Administrator Chris Crookshanks, Conservation Education Division Administrator Chris Vasey, Management Analyst 3 Kailey Musso, Executive Assistant Missy Stanford, and Administrative Assistant Meghan Beyer.

Members of the Public Present: Fred Voltz and Jana Wright

2 Approval of Agenda

The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, continue items for consideration or take items out of order at any time.

There were no changes to the agenda.

No public comment.

COMMISSIONER CAVIGLIA MOVED TO APPROVE THE AGENDA. COMMISSIONER WISE SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

3. *Approval of Minutes

The Committee will review and may approve the DRAFT Minutes from the meeting on November 4, 2021.

Commissioner Caviglia asked that his statement regarding the legal action clause on page 8 be more clear.

No Public Comment.

COMMISSIONER EAST MOVED TO APPROVE THE MINUTES WITH THE NOTED CHANGE. COMMISSIONER CAVIGLIA SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

4. *Review Commission Policy List

The policy list will be reviewed and prioritized for the Committee to begin the policy review process.

Management Analyst 3 Kailey Musso explained that the policy list is fairly up to date. She explained that she had one change on the Statewide Boating Safety Policy and that it currently shows no changes, but the Committee had asked to include a statement on the importance of life vests.

Committee Chairman McNinch noted that there is a lot going on but that after a couple meetings with this workload we will start to get ahead.

No Public Comment.

5. *Commission Policy 3 – Appeals

The Committee will review Commission Policy 3 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that this policy was brought back at the request of the Committee. She reminded the Committee that the Department did not have any changes to the policy, but that Commissioner McNinch had expressed a desire to take more time to look over it.

Commissioner Caviglia wanted to confirm that there will be a “reviewed date” added to the top of each policy.

Management Analyst Musso confirmed that she would be editing each policy and adding the review date as the policies are approved by the Commission.

Committee Chairman McNinch added that these policies are being run through multiple employees and multiple divisions but that if the Committee can understand the changes, it should be okay to edit the policies as they are approved. He also explained that in regard to Policy 3 and Policy 4, he had some suggested changes in order to have the appellant/petitioner better understand the process. He wanted to add some language similar to “upon receipt of an appeal, the Department will inform the appellant of the Commission’s authorities for providing relief to include the Commission’s lack of authority to overturn any pleadings or convictions from the court of competent jurisdiction.” He asked the Department for their thoughts and asked what is currently done.

Deputy Director Jack Robb confirmed that the Department was fine with that language and that we try to work with the appellant as much as possible so that their time is not wasted, and the Commission's time is not wasted. We try our best to inform anyone who comes before the Commission of the process and to inform them on the authorities of the Commission.

No Public Comment.

COMMISSIONER CAVIGLIA MOVED TO APPROVE POLICY 3 WITH THE NOTED CHANGES FROM COMMITTEE CHAIRMAN MCNINCH. COMMISSIONER EAST SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

6. *Commission Policy 4 and NAC 501.195 Language Change – Petition Process and Adoption of Regulations – Committee Chairman David McNinch – For Possible Action

The Committee will review Commission Policy 4 and the accompanying NAC 501.195 and may take action to recommend revising, suspending or repealing the policy and updating the regulation.

Management Analyst Kailey Musso reminded the Committee that they have already seen and approved of the policy but that it was brought back so they could see it next to the draft regulation. She explained the additions to the regulation that should make the process more clear to the petitioner.

Commissioner East requested that the term “bags” be changed to “quotas” in the policy.

Committee Chairman McNinch had written similar language to what was added in Policy 3 for this policy: “In the event the Department determines that the Commission does not have the statutory authority needed to adopt, file, amend or repeal a permanent regulation, the Department will notify the petitioner of such in an effort to let the petitioner retract or revise the petition.”

No Public Comment.

Committee Chairman McNinch approved of the NAC changes proposed in the draft regulation. There was also discussion on where to put his proposed statement.

COMMISSIONER EAST MOVED TO APPROVE COMMISSION POLICY 4 WITH THE NOTED CHANGES AND ADDITIONAL STATEMENT. COMMISSIONER CAVIGLIA SECONDED THE MOTION. THE MOTION AS APPROVED 4-0.

COMMISSIONER EAST MOVED TO APPROVE THE DRAFT REGULATION. COMMISSIONER WISE SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

7. *Commission Policy 21 – Game and Fur-bearer Management

The Committee will review Commission Policy 21 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that “fur-bearer” was changed to “furbearer” and that in the first paragraph in the Background section, the term “principle” needed to be changed to “principal.” The Game Division also requested that the title of the policy be changed to “Game and Furbearer Management Plan.” One more addition on page 2 would be that management plans would be reviewed on a 10-year schedule.

Commission Chairman McNinch explained that he has relied heavily on the Department for the science but that he feels like we should always strive to use the best available science. He knows that individuals have brought science forward that does not always align with what the Department uses, and he feels its important to have discussions on that information but that he has been struggling with this topic and wanted to share it.

Commissioner Wise asked if Commissioner McNinch had any thoughts on changing the policy with that in mind.

Commissioner McNinch noted where the policy states that we will use the best available science but that we also get anecdotal information. Everyone puts a different value on that anecdotal information. How can we express a desire to review other science as needed or acknowledge that it happens?

No Public Comment.

Commissioner McNinch expressed his approval of the Department’s changes and that they didn’t need to move forward with additional changes but that he wanted to effect change somewhere.

Commissioner Wise thanked Commissioner McNinch for his thoughts and explained that she has professional experience in the peer reviewed science field, so she is interested in discussing it further.

COMMISSIONER MCNINCH MOVED TO APPROVE POLICY 21 WITH THE NOTED CHANGES OF: THE TITLE CHANGE, AND THAT “FURBEARER” IS ONE WORD, “PRINCIPLE” CHANGES TO “PRINCIPAL”, PLANS WILL BE REVIEWED ON 10-YEAR INTERVAL. COMMISSIONER EAST SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

Committee Chairman McNinch also wanted to make it clear that as the committee “approves” regulations, they will be forwarded to the Commission.

8. *Commission Policy 22 – Introduction, Transplanting, and Exportation of Wildlife

The Committee will review Commission Policy 22 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that the Department made several clarification changes to the policy. The definitions were updated and some unnecessary ones

were removed. The term “re-establishing” was changed to “reintroduction” and the definition of “augmenting” was also clarified.

Committee Chairman McNinch asked if the title needed to be updated as well.

Game Division Administrator Mike Scott said that the term “Re-introduction” could be added to the title.

The Committee also asked in what situations the Department would export wildlife and if that portion needed to be updated.

Game Division Administrator Mike Scott gave an example of sharing sheep with Utah and trapping sheep in Nevada for exportation.

Management Analyst Kailey Musso explained that the Commission approves importations into Nevada and transplants within Nevada but that the policy gives the Department the authority to work with other states when needed and then the Department reports back to the Commission.

Commissioner Wise asked if the definition of “transplant” should remain in the policy.

Commissioner Caviglia asked why language on the release plan was removed on page 4.

Game Division Administrator Mike Scott explained that different disease events and other events occur and that the Department would like the flexibility to proceed with another source if needed.

No public comment.

COMMISSIONER EAST MOVED TO APPROVE THE POLICY WITH THE NOTED CHANGES, LEAVING THE TERM “TRANSPLANT” AND ADDING “REINTRODUCTION” TO THE TITLE. COMMISSIONER CAVIGLIA SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

9. *Commission Policy 23 – Predation Management

The Committee will review Commission Policy 23 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that there was a fair number of changes to this policy. The Department removed redundant language as well as the NRS and NACs that were already referenced in the title of the document. Staff Specialist Pat Jackson attempted to clarify the policy and remove excess information so that it is easier to understand and follow. Some of the language that was removed in this policy is also spelled out in the Predation Management Plan.

Commissioner East asked for an example of the added statement: “Priority will be given to act in areas where other efforts are completed, underway, or planned that will also benefit wildlife populations.”

Staff Specialist Pat Jackson explained that Project 40 is a good example. The beginning of that project was the end of several management actions that the BLM in Eureka County had taken. This statement is an attempt at “getting the most bang for our buck.”

Committee Chairman McNinch explained that former Commissioner McBeath had spent a lot of time developing this policy. He understands it is heavy in verbiage and that it could be cleaned up, but not in the way it was proposed. He felt this policy brought everyone together because there were portions of it that considered other perspectives and gave an example of the education portion that had been removed from the policy.

Staff Specialist Jackson explained that in the 2015 Legislative Session, there was legislation that removed the requirement to allocate some of the predator funds to education. Legislation dictates what that fee can and cannot be spent on.

Committee Chairman McNinch asked if that policy was amended more recently than 2015.

Management Analyst Kailey Musso explained that the last policy review was done around 2018 but that she was not in the position at that time so she couldn’t speak to if that portion was caught during the last review.

Public Comment:

Jana Wright, Private Citizen, spoke to Item 5 on page 2. She requested there be information provided to the Commission and public on how long the project has been running and how much money has been allocated and spent. Pat Jackson has explained that you can look at the November reports and figure it out. She thinks it needs to be available. She also noted that she is hopeful the 80 percent mandate will be removed in the next legislative session.

Committee Chairman McNinch asked for more time to process the policy and to process his suggestions. The Committee agreed. Policy 23 will be brought back to the Committee for further consideration.

10. *Commission Policy 25 – Wildlife Damage Management – Committee Chairman David McNinch – For Possible Action

The Committee will review Commission Policy 25 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that the Department tried to clarify this policy and remove redundant language. This policy gives guidance to the Commission on how to mitigate wildlife damage across the state. The Department also wanted to ask to remove the last sentence on new paragraph 7, page 2, because the laws have recently changed.

Commissioner East asked if we could remove the first “or” in number 8a. She also wanted to clarify that “opposes” should be changed to “poses.”

Committee Chairman McNinch explained that he did not have the same concerns in the policy as he did in Policy 23.

COMMISSIONER EAST MOVE TO COMMISSION POLICY 25 WITH THE NOTED CHANGES. COMMISSIONER CAVIGLIA SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

11. *Commission Policy 26 – Managing Rocky Mountain Elk Populations – Committee Chairman David McNinch – For Possible Action

The Committee will review Commission Policy 26 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that the Department did not have any changes to this policy.

Commissioner East asked if the Department could still format the policy for spacing and to match the other ones.

Committee Chairman McNinch asked for page numbers to be added to each policy. Also, on page 2, he asked to include the term “re-introductions” into the first sentence.

COMMISSIONER CAVIGLIA MOVED TO APPROVE COMMISSION POLICY 26 AS PRESENTED. COMMISSIONER WISE SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

12. *Commission Policy 26A – Transparency

The Committee will review Commission Policy 26A and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that the Department redrafted this policy at the request of the Committee.

Commissioner Wise liked the language proposed but asked if she wanted to include some different availability methods listed.

Game Division Administrator Mike Scott and Management Analyst Musso offered some potential language that could be included to incorporate Commissioner Wise’s request.

There was discussion on transparency in general vs transparency in quota setting.

The Department also asked if it would be appropriate to change the number and title of this policy to be Policy 28 – Transparency on Quota Setting.

Game Division Administrator Mike Scott explained that his intent is to have the Big Game Status Book available electronically before the quota setting meeting, but the Department does not have time to mail it out.

Commissioner Caviglia asked if that statement could be included in the policy. The Department approved.

No Public Comment

The Committee decided to keep this policy specific to transparency on quota setting.

COMMISSIONER CAVIGLIA MOVED TO APPROVE THE POLICY WITH THE NOTED CHANGES. COMMISSIONER EAST SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

13. *Commission Policy 27 – Protection of Wildlife

The Committee will review Commission Policy 27 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that Policy 27 was last revised in 2017 so it is fairly up to date. The Department updated number 9 as there have been more wolf sightings in Nevada.

Committee Chairman McNinch appreciated the change.

No Public Comment

Committee Chairman McNinch asked if we could add “as amended” after the reference to the Wild Free-Roaming Horse and Burro Act.

COMMISSIONER EAST MOVED TO APPROVE THE POLICY WITH THE NOTED CHANGES. COMMISSIONER WISE SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

14. *Commission Policy 29 – Elk Arbitration

The Committee will review Commission Policy 29 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso explained that Policy 27 was last revised in 2017 so it is up to date and the Department had no changes other than formatting.

Committee Chairman McNinch asked for clarification on 4a.

Game Division Administrator Mike Scott explained that this has only been used a few times in the past 20 years. He believes it would be up to the Chair at the time but that the Department just wants fair representation.

COMMISSIONER CAVIGLIA MOVED TO APPROVE POLICY 29. COMMISSIONER EAST SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

15. *Commission Policy 51 – Wayne E. Kirch Conservation Award

The Committee will review Commission Policy 51 and may take action to recommend revising, suspending or repealing the policy.

Management Analyst Kailey Musso reminded the Committee that they requested the addition of number 8 so that there is a permanent record of nominations received by the Department.

Committee Chairman McNinch wanted to add “or other appointed family member” in and had one other minor editing change.

COMMISSIONER EAST MOVED TO APPROVE POLICY 51 WITH THE NOTED CHANGES. COMMISSIONER WISE SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0.

16. Future Committee Meetings and Agenda Items

The Committee will take action to determine future committee agenda items, or meeting dates, times, and locations.

The Committee decided to meet again, virtually, a week or two before the May Commission Meeting.

17. Public Comment Period

Persons wishing to speak are requested to sign in. Public comment will be limited to three minutes. No action can be taken by the Committee at this time; however, the Committee may consider items brought up to be scheduled on a future Committee agenda.

No Public Comment

18. Adjourn

The meeting adjourned at 9:39 am.

*Support material provided and posted to the NDOW website (www.ndow.org) including updates. Support material may be requested from Committee Staff Kailey Musso (775-688-1510; knmusso@ndow.org). Supporting material for this meeting is available for the public at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, NV, 89511. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted online at www.ndow.org and at the following Department of Wildlife offices: 1100 Valley Road, Reno, NV, 89512; 380 W. “B” Street, Fallon, NV, 89406; 815 E. Fourth Street, Winnemucca, NV 89445; 60 Youth Center, Elko, NV, 89801; 1218 N. Alpha Street, Ely, NV 89301; and 3373 Pepper Lane, Las Vegas, NV, 89108.

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